

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. The Department notified petitioner on or about March 4, 2009 that she was eligible for CHAP. Petitioner was then notified that her monthly premium is \$110.00 per month. Petitioner's income is 201.7% of the federal poverty level

(FPL) which places her in the premium category for individuals whose income is between 200% to 225% of the FPL.

4. Petitioner appealed the decision on April 7, 2009 and a fair hearing was held on April 16, 2009.

ORDER

The Department's decision is affirmed.

REASONS

The Vermont Legislature passed Act 191, An Act Relating to Health Care Affordability in 2006 that includes premium assistance for uninsured adult Vermonters who are not eligible for the Vermont Health Access Program (VHAP) and whose income is equal to or less than 300% of the Federal Poverty Level (FPL). W.A.M. §§ 4102 and 4102.4.

The Department has promulgated regulations that set out how income is calculated for CHAP eligibility. W.A.M. § 4102.7. In essence, the CHAP regulations track the income regulations for the Vermont Health Access Program (VHAP) found at W.A.M. § 4001.8. Petitioner's unemployment compensation is treated as unearned income.

Petitioner meets the eligibility criteria for CHAP provided she pays the premium set by regulation. Petitioner's argument is that her premium should be pro-rated

because her income just falls into the group whose income is between 200% to 225% of the FPL. The Department has properly adopted regulations that allow for the current system designating premium amounts for individuals whose income falls between 175% to 200% of the FPL, 200% to 225% of the FPL, etc.

Because petitioner's countable income falls between 200% to 225% of the federal poverty guideline, the Department correctly assessed a \$110 monthly premium. W.A.M. § 4107.1, P-2420B3. The Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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